



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/560,960

04/18/2007

Robert Frank Ollington

MID-PT015

1703

3624 7590 05/12/2008

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

LIM, SENG HENG

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,960	Applicant(s) OLLINGTON, ROBERT FRANK	
	Examiner SENG H. LIM	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by LaNeve (US 2003/0125822 A1).

LaNeve discloses an apparatus for playing a lottery type game including: a programmed central computer system (102:Fig. 2) adapted to process various parameters from a number of horse racing sports events; means of selecting and providing a receipt for recording a number of said parameters chosen by a particular player (110: Fig. 2); characterized in that the results of the game are determined from a selected parameter derived from the results of each of a number of the events, the selected parameter including the placings of a predetermined number of competitors for each event at the end of an event or nominated events (Fig. 3). The apparatus is characterized in that the selected parameters required for players to win are obtained from a "placings points scoring system" of a predetermined number of horses for each race of the nominated races of a multi race wager, in which placings points are awarded to any horse that a player has selected that has finished in any of the nominated races in either first, second or third place (Fig. 3). The total prize pool is inherently divided into divisions, wherein the prizes for the divisions being won by players who have selected the results which satisfy the requirements for any particular division and the divisional prizes are won by selecting a predetermined number of correct results in a required

order or by selecting a predetermined number of correct results from a specified number of results. If there is no correct result for any division, the prize inherently pool for that division jackpots.

Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by LaNeve (US 2003/0125822 A1).

LaNeve discloses a totalisator apparatus for playing a lottery type game including: a programmed central computer system (102:Fig. 2) adapted to process various parameters from a number of racing sports events; means of selecting and providing a receipt for recording a number of said parameters chosen by a particular player (110: Fig. 2); characterized in that the results of the game are determined from a selected parameter derived from the results of each of a number of the events, the selected parameter including the placings of a predetermined number of competitors for each event at the end of an event or nominated events; the computer further adapted to read the chosen parameters from each player and keep a running record of each parameter in comparison to the results of each event and then to calculate whether any player is eligible for a prize in any one of a plurality of predetermined and preprogrammed prize divisions [0023-0024].

Claims 9-14, 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by LaNeve (US 2003/0125822 A1).

LaNeve discloses a lottery type game wherein the results of the game are determined from a selected parameter derived from the results of each of a number of racing sports events, the selected parameter including the placings of a predetermined number of competitors for each event at the end of an event or nominated events (Fig. 3). The selected parameters required for players to win are obtained from a "placings points scoring system" of a predetermined number of competitors for each race of the nominated races of a multi race wager in which placings points are awarded to any competitor that a player has selected that has finished in any of the nominated races in either first, second or third place (Fig. 3) [0028-0029]. The placings points are tallied to

permit a player to count the number of any successful placing points scored in one race and then add this points score to any successful placing points scored in another race, and another race and so on, so as to provide a total placings points score [0023]. The total prize pool is inherently divided into divisions, the prizes for the divisions being won by players who have selected the results which satisfy the requirements for any particular division. The divisional prizes are won by selecting a predetermined number of correct results from a specified number of results and the prize inherently pool for that division jackpots wherein no correct result for any division is made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaNeve (US 2003/0125822 A1).

LaNeve does not expressly disclose that if there are equal values for the parameter, the division prizes affected by the equal values are divided by the number of equal value results and each so divided pool is distributed amongst the relevant prize winners. The Office takes Official Notice that this concept of dividing the winnings to winners in equal share in case of a tie is well known in the art of betting. At the time of invention a person of ordinary skill in the art would have found it obvious to share the pool to equal number of equal value results.

Claims 15 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaNeve (US 2003/0125822 A1).

LaNeve does not expressly disclose that if there are equal values for the parameter, the division prizes affected by the equal values are divided by the number of equal value results and each so divided pool is distributed amongst the relevant prize winners. The Office takes Official Notice that this concept of dividing the winnings to winners in equal share in case of a tie is well known in the art of betting. At the time of invention a person of ordinary skill in the art would have found it obvious to share the pool to equal number of equal value results.

Examiner's Note: Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached USPTO form PTO-892.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seng H. Lim whose telephone number is 571-270-3301. The examiner can normally be reached on 8:30-6:00, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H. L./

Examiner, Art Unit 3714

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714